Single Bench

BEFORE THE HON'BLE HIGH COURT OF JUDICATURE
CHHATTISGARH AT BILASPUR

W.P. NO. 877/2005.

PETITIONER

P.R. No. 940/05
Presented by Shri Rajaram Kedhariwani
dated 07-03-05

Smt. Tara Dhruw, Aged about 32 years, W/o. Mohit Dhruw, R/o. Village Jhalap, Tahsil & District Mahasamund (C.G.)

VERSUS

RESPPONDENTS

1. State Of Chhattisgarh. Through the Secretary, School Education Department, Mantraylaya D.K.S. Bhawan, Raipur. (C.G.)

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2. Director Public Education, Directorate Raipur (C.G.)

3. District Education Officer District Mahasamund (C.G.)

PETITION UNDER ARTICLE 226/227 OF ISSUANCE OF WRIT IN NATURE OF MANDAMUS/CERTIIORATI AND/OR ANY OTHER WRIT OF LIKE NATURE.

(19)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 877 of 2005

Petitioner — Smt. Tara Dhruw

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Roop Naik, Advocate for the petitioner.
Miss Deepali Pandey, Panel Lawyer for the respondents.

ORDER

(Passed on this 26th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Primary School, Turideeh, Jhalap, District – Mahasamund was transferred to Amlipali, Sarangarh, Raigarh on the same terms and conditions vide impugned transfer order dated 15.2.2005 (Annexure P/1).
2. This Court vide interim order dated 22.3.2005 directed for maintaining of the status quo if the petitioner was not relieved, till the next date of hearing.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Thakur

Sd/-
Satish K. Agnihotri
Judge